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EXAMINER

ROSSELL, MICHAEL

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROGER EVERETTE SANDERS and THOMAS WARREN COX

Appeal 2008-005221
Application 09/837,047
Technology Center 2100

Decided: October 14, 2009

Before LANCE LEONARD BARRY, ST. JOHN COURTENAY III, and
STEPHEN C. SIU, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Patent Examiner rejected claims 1-19. The Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

INVENTION

The invention at issue on appeal allows a user to modify a list within a graphical user interface (GUI). More specifically, the user manipulates a first control within the GUI to access a second control. The second control includes and allows modification of the list. (Spec. 26.)

ILLUSTRATIVE CLAIM

1. A computer-implemented method of modifying data records by a user within a graphical user interface, comprising the steps of:
 - providing a first control that operates within a window of the graphical user interface;
 - manipulating the first control to access a second control, wherein the second control includes the data records;
 - wherein the second control is configured to be displayed and to operate within the first control;
 - wherein the second control is contained within the window that contains the first control;
 - wherein the data records are from a database; and
 - modifying at least one of the data records through use of the second control.

PRIOR ART

Torres	5,317,687	May 31, 1994
Amin	6,208,340	Mar. 27, 2001

Microsoft Corp., Microsoft Outlook 2000, screenshots,
Figures 1-12 (hereinafter “Outlook”).

REJECTIONS

Claims 1, 3, 5-12, 15, and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Outlook.

Claims 2, 4, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Outlook and Amin.

Claims 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Outlook and Torres.

Claims 16 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Outlook.

CLAIM GROUPING

When the patentability of dependent claims is not argued separately, the claims stand or fall with the claims from which they depend. *In re King*, 801 F.2d 1324, 1325 (Fed. Cir. 1986); *In re Sernaker*, 702 F.2d 989, 991 (Fed. Cir. 1983). Here, the Appellants do not argue the patentability of dependent claims 3, 5-11, 13-16, and 19. Therefore, these claims stand or fall with independent claims 1, 12, and 17.

Although the Appellants attempt to argue the patentability of claims 2, 4, and 18 separately from the independent claims (App. Br. 12-13), the "arguments are based on the combination of Outlook with the Arcuri reference" (Ans. 12.) The Examiner does not rely on the Arcuri to reject the claims. Therefore, we decide the patentability of claims 2, 4, and 18 based on the patentability of claims 1, 12, and 17.

ISSUE

The Examiner finds that "Outlook teaches providing a . . . second control . . . configured to be displayed and to operate within the first control" (Ans. 3.) The Appellants argue that "not only do the second controls in Outlook operate separately from the first control, but also are not displayed within the first control." (Reply Br. 4.) Therefore, the issue before us is whether the Appellants have shown error in the Examiner's finding that Outlook teaches a second control configured to be displayed and to operate within a first control.

LAW

"[D]uring examination proceedings, claims are given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000).

FINDINGS OF FACT (FFs)

1. The Appellants describe their invention as follows:

As shown in Figure 2 and described at page 6, line 11-page 7, line 14 of assignee's specification, a graphical user interface is depicted at 102 containing a first control 210. The first control

is a pull-down control that, when activated, displays a number of territory data records, such as an "Albania" data record, a "Brazil" data record, etc. A second control 224 is contained and displayed within the first control. In this example, the second control is a checkbox type of control

(App. Br. 4.)

2. The Appellants' Figure 2 shows their first and second controls.

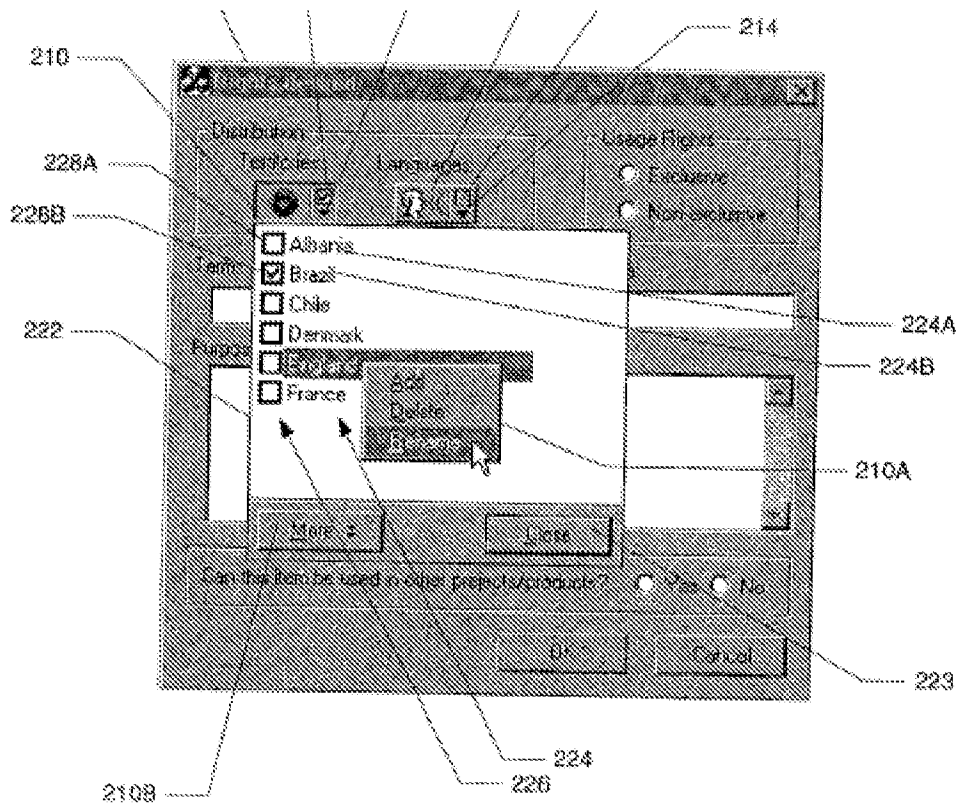


FIG. 2

3. Figure 1 of Outlook follows.

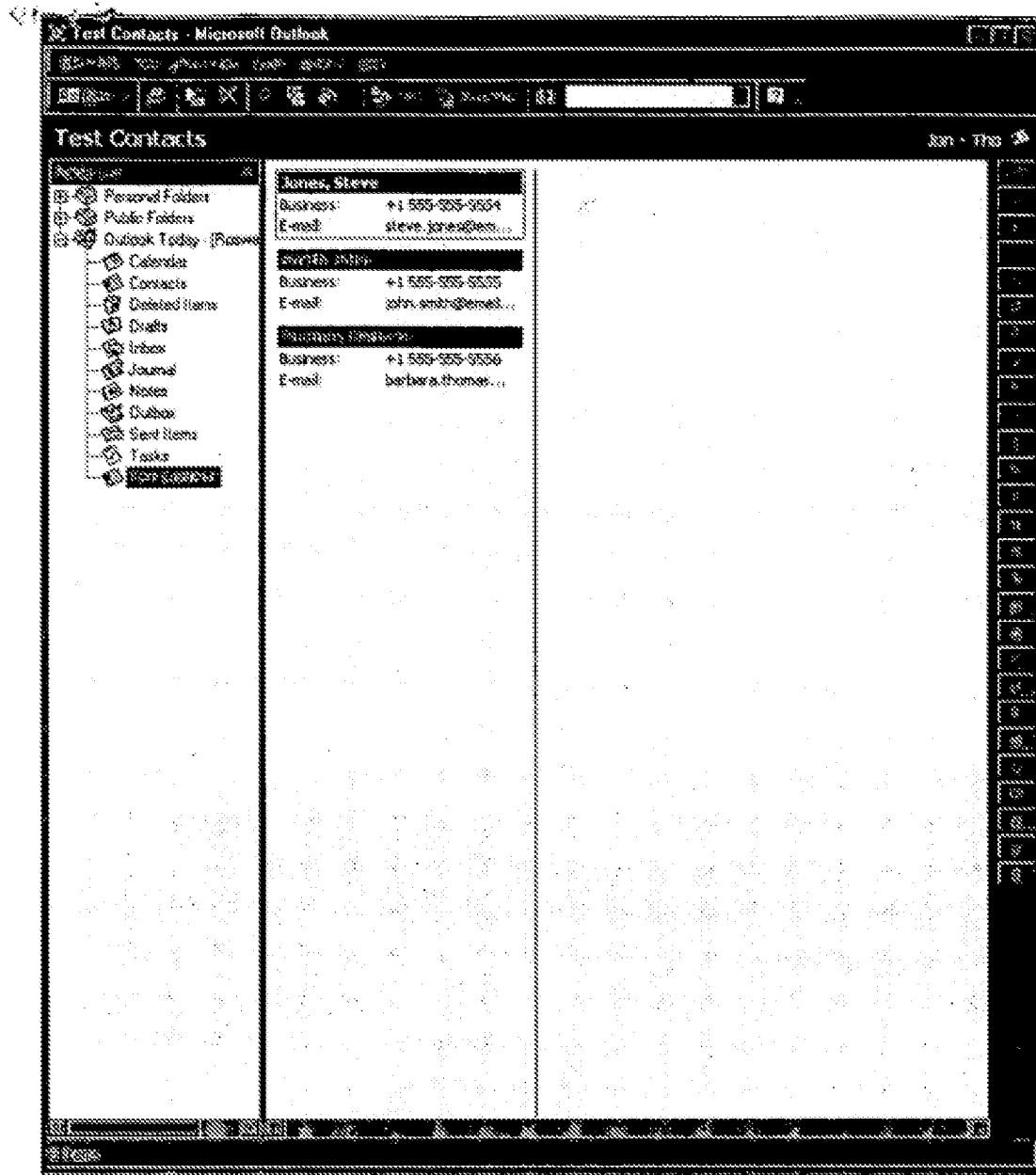


Fig. 1

4. The Examiner finds that "[t]he claimed first control is taught as the user-manipulable icons and their related identifiers, such as the 'Calendar', 'Contacts', and 'Test Contacts' elements of Figure 1" (Ans. 10) of Outlook.

5. He further finds that "upon user selection of one of these first controls, Outlook will display related second controls, such as the manipulable contact records shown in Figure 1 (Jones, Steve; Smith, John; etc.)." (*Id.* at 11.)

ANALYSIS

The Examiner's findings that Outlook's "Test Contacts" icon and its "Jones, Steve" and "Smith, John" records respectively constitute a first control and a second control (FF 4-5) are uncontested. Because Outlook displays the records upon user selection of the icon (FF 5), we agree with the Examiner (Answer 11) that the records are operating within the icon.

The Appellants' Figure 2 shows that the "second control 224 is contained and displayed within the first control [210]" (App. Br. 4) by showing that the second control appears in a panel next to the first control. Outlook's Figure 1 similarly shows that the "Jones, Steve" and "Smith, John" records appear in a panel next to the "Test Contacts" icon. (FF 3.) Applying the broadest reasonable interpretation consistent with the Specification, therefore, we agree with the Examiner that the records are displayed within the icon as claimed.

CONCLUSION

Based on the aforementioned facts and analysis, we conclude that the Appellants have shown no error in the Examiner's finding that Outlook teaches a second control configured to be displayed and to operate within a first control.

DECISION

We affirm the rejections of claims 1-19.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(v) (2008).

AFFIRMED

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